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Remarks

Upon entry of the foregoing Response, claims 21-40 are pending in the application. Claims 33-39 have been withdrawn. Claim 21 has been amended. No new matter is being presented. In view of the following remarks, reconsideration and allowance of all the pending claims are requested.

Entry of this Amendment After Final is submitted as proper under 37 C.F.R. §1.116 because the claim amendments: (a) place this application in better condition for allowance (for the reasons discussed herein), (b) do not raise any new issues requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution as indicated in the Final Office Action), (c) present the rejected claims in better form for consideration on appeal (should an appeal be necessary), and/or (d) are necessary and were not earlier presented because they are made in response to arguments raised in the Final Office Action.

Accordingly, for at least the reasons discussed above, entry of this Amendment is respectfully requested.

Rejection under 35 USC § 102 to Martino

Claims 21-24, 26-32 and 40 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,276314 to Martino et al. (hereinafter "Martino"). Applicant respectfully requests reconsideration and withdrawal of this rejection for at least the following reasons, and asserts that the Office has not established a prima facie case of unpatentability.

Independent Claim 21

Pages 6-7, item 8 of the Office Action dated November 13, 2009 alleges that Martino discloses all the elements as recited in independent claim 21.

However, in view of the above amendments, Applicant asserts that Martino does not disclose or suggest, among other things, "receiving the password from a user matching a symbol within the certain cell of the matching board with a password symbol within the first cell of the reference board, to authenticate the received password, such that the matching board moves to allow the certain cell of the matching board to correspond with the first cell of the reference board in response to the certain cell and the first cell not already being in correspondence with one

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another, wherein positions of the first cell and the at least one other cell of the reference board are altered and positions of the certain cell and the at least one other cell of the matching board are not altered in response to the certain cell and the first cell not already being in correspondence with one another," as presently recited in amended independent claim 21.

More specifically, FIGS. 3-4 of Martino merely illustrate cells shifting row by row or column or column.

Furthermore, column 3, lines 30-44 and column 5, lines 40-44 of Martino appear limited to describing how each of a plurality of KEY SYMBOLS within an ARRAY must be manipulated (row by row or column by column), in order to type in a user's pin. Then, Martino verifies whether the KEY STATE within the displayed ARRAY matches a KEY STATE definition.

However, none of the above-cited portions of Martino disclose or suggest, "receiving the password from a user matching a symbol within the certain cell of the matching board with a password symbol within the first cell of the reference board, to authenticate the received password," as presently recited in amended independent claim 21, for at least the reason that **Martino merely shifts rows or columns having symbols therein to be positioned within a certain predetermined KEY STATE definition**, and does not match symbols of two different cells.

Moreover, Martino does not disclose or suggest "positions of the first cell and the at least one other cell of the reference board are altered and positions of the certain cell and the at least one other cell of the matching board are not altered in response to the certain cell and the first cell not already being in correspondence with one another," as presently recited in amended independent claim 21, for at least the reason that **Martino does not change positions of cells of a reference board while keeping cells of a matching board the same**.

Accordingly, since Martino does not disclose or suggest all of the elements as presently recited in amended independent claim 21, this claim is allowable over Martino. Thus, Cheol-shin cannot be properly used to reject independent claim 21 under 35 U.S.C. §102(b) as submitted in the Office action mailed on November 13, 2009, and withdrawal of this rejection and allowance of this claim are respectfully solicited.

Dependent Claims 22-24, 26-32 and 40

With respect to claims 22-24, 26-32 and 40, in addition to features recited therein, it is respectfully submitted that for at least the reason that claims 22-24, 26-32 and 40 depend from

independent claim 21, which is allowable for at least the reasons provided above, and therefore contain each of the features as recited in independent claim 21, dependent claims 22-24, 26-32 and 40 are also allowable, and withdrawal of this rejection and allowance of these claims are respectfully solicited.

Rejection under 35 USC § 102 to Cheol-Shin

Claim 21 has been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2002/0129269 to Cheol-shin et al. (hereinafter "Cheol-shin"). Applicant respectfully requests reconsideration and withdrawal of this rejection for at least the following reasons, and asserts that the Office has not established a prima facie case of unpatentability.

Page 12, item 9 of the Office Action dated November 13, 2009 alleges that Cheol-shin discloses all the elements as recited in independent claim 21.

However, in view of the above amendments, Applicant asserts that Cheol-shin does not disclose or suggest, among other things, "receiving the password from a user matching a symbol within the certain cell of the matching board with a password symbol within the first cell of the reference board, to authenticate the received password, such that the matching board moves to allow the certain cell of the matching board to correspond with the first cell of the reference board in response to the certain cell and the first cell not already being in correspondence with one another, wherein positions of the first cell and the at least one other cell of the reference board are altered and positions of the certain cell and the at least one other cell of the matching board are not altered in response to the certain cell and the first cell not already being in correspondence with one another," as presently recited in amended independent claim 21.

More specifically, FIGS. 8A-8B and paragraphs [0085]-[0096] Cheol-shin appear to be limited to a user selecting a character to act as a pointer to another character. However, only the "display locations of the pointers on the screen" are changed in Cheol-shin. *See* paragraph [0091] of Cheol-shin.

In other words, Cheol-shin does not disclose or suggest, among other things, "positions of the first cell and the at least one other cell of the reference board are altered and positions of the certain cell and the at least one other cell of the matching board are not altered in response to the certain cell and the first cell not already being in correspondence with one another," as presently recited in amended independent claim 21, for at least the reason that although the pointers in

Cheol-shin shift locations on the character areas, the characters within the character areas do not change positions. *See* paragraph [0092] and FIGS. 8A-8B of Cheol-shin.

Accordingly, since Cheol-shin does not disclose or suggest all of the elements as presently recited in amended independent claim 21, this claim is allowable over Cheol-shin. Thus, Cheol-shin cannot be properly used to reject independent claim 21 under 35 U.S.C. §102(e) as submitted in the Office action mailed on November 13, 2009, and withdrawal of this rejection and allowance of this claim are respectfully solicited.

Rejection under 35 USC § 103 to Martino and Pimpo

Claim 25 is further rejected under 35 USC §103(a) as being unpatentable over Martino in view of U.S. Patent No. 6,021,653 to Pimpo. Applicant respectfully traverses the above rejection for at least the following reasons, and Applicant submits that the Office's rejection is improper because a prima facie case of obviousness has not been established.

With respect to Pimpo, it is submitted that Pimpo does not satisfy the deficiencies of Martino, and therefore, with respect to claim 25, it is respectfully submitted that in addition to features recited therein, for at least the reason that claim 25 depends from independent claim 21, which is allowable for at least the reasons provided above, and therefore contain each of the features as recited in independent claim 21, dependent claims 25 is also allowable, and withdrawal of this rejection and allowance of this claim are respectfully solicited.

It is respectfully submitted that alleged reference(s) do not disclose or suggest each and every element of the instant Claims. Accordingly, since all of the features are not taught, disclosed, nor suggested by the reference(s), Applicant respectfully submits that a *prima facie* case of unpatentability has not established. Therefore, allowance and withdrawal of the rejection are respectfully requested

Conclusion

It is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, there being no other objections or rejections, this

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application is in condition for allowance, and a notice to this effect is earnestly solicited.

     If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: <u>February 11, 2010</u>

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